



BOARD OF HEALTH

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OUTDOOR WOOD BOILER REGULATIONS

PURPOSE:

1. Empower the BOH to be able to rectify health concerns associated with improper Outdoor Wood Boiler use.
2. Impose a reasonable permit process to allow current Outdoor Wood Boiler owners to continue the use of existing Outdoor Wood Boilers.
3. Establish regulations for installation of new Outdoor Wood Boilers.

TOWN OF GRAFTON BOARD OF HEALTH REGULATIONS FOR OUTDOOR WOOD BOILERS

1. PURPOSE AND AUTHORITY:

This **Public Health Regulation**, through the power of the Town of Grafton Board of Health, regulates use of outdoor wood furnaces, for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Town and its inhabitants.

Whereas complaints related to adverse affects related to health, comfort of life and general nuisance have been recorded in the Town of Grafton and throughout the State of Massachusetts; Whereas the Town of Grafton Board of Health recognizes the need to protect the public from potential effects from pollutants produced by outdoor wood boilers, under the authority of Massachusetts General Law Chapter 111, § 31, 31C, & 122 and 310 CMR 11.02 hereby adopts these regulations as an exercise of the police power under which they hold responsibility to protect public health, comfort and convenience from uncontrolled emissions of smoke and noxious fumes. These regulations shall be effective JULY 27, 2009 and so remain until modified or amended by the Board of Health or until superceded by State or Federal Regulations.

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3. DEFINITIONS

BOARD: THE TOWN OF GRAFTON BOARD OF HEALTH OR ITS AGENT(S).

CLEAN, SEASONED WOOD: wood that has no paint, stains, or other types of coatings, whether applied or spilled or otherwise attached to it and wood that has not been treated with preservatives, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol that has been air dried so that it contains less than 30 percent moisture content that is appropriate to be used as fuel.

DWELLING: every building intended for human habitation.

EMISSION: any discharge or release of an air contaminant to the ambient air space.

EMISSION POINT: any place (including but not limited to a stack or vent) at or from which any air contaminant is emitted to the ambient air space.

EXISTING: any hydronic heater that is contracted to be paid in full, purchased and paid in full or installed and/or operated at the intended location of use prior to December 26, 2008 and receiving a permit within sixty (60) days of the regulations going into effect.

HABITATION: enclosed floor space used or intended to be used for living, sleeping, cooking or eating.

INCINERATOR: an appliance used to burn trash, rubbish, and other wastes.

OUTDOOR WOOD BOILER: fuel burning device: (1) designed to burn wood or other approved solid fuels; (2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages); and (3) that heats building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture other than where such structure or appliance is located. This appliance can be free standing and typically is surrounded by a water jacket with a smoke vent, designed and built to be located in outside space ordinarily used for residential, business or industrial purposes through the burning of wood. Also referred to as **outdoor wood** furnace and wood fired hydronic heater. This definition remains in full force and effect even if the unit is enclosed.

Outdoor wood boilers do not include fire pits, chimineas, wood fired barbeques, or equipment for the melting, reclaiming, or refining of metals or maple syrup.

ODOR: that property of gaseous, liquid, or solid materials that elicits a physiologic response by the human sense of smell.

STATE REGULATIONS: 310 CMR 7.26(50) Outdoor Hydronic Heaters

4. RESTRICTIONS

It shall be illegal for any person to install an outdoor wood boiler within the legal limits of the Town of Grafton without a permit.

The permit process shall include:

Existing Outdoor Wood Boilers

1. Submission of an application form. Existing owners are not subject to a permit fee so long as the permit application is filed within 60 days of this code implementation. Any existing owner who fails to file for a permit within the 60 day period forfeits any grandfather privations and must fulfill all requirements for a new installation.
2. All boilers must be UL Listed or equivalent and must be installed and operated in accordance with all manufacturer's requirements and recommendations including but not limited to building setbacks, chimney height, spark arresters, fuel type and consideration to prevailing wind.
3. Tops of chimneys or other points of emission from outdoor wood boilers must have a permanent stack extending two feet higher than the peak of any roof structure located within 150 feet of the outdoor hydronic heater, if the outdoor hydronic heater is installed less than 150 feet from the nearest occupied dwelling that it is not serving. Such permanent stack shall be installed no later than March 1, 2009. There shall be no vegetation taller than the bottom of the door opening within twenty feet of the stove.
4. No outdoor hydronic heater can be operated from May 16 to September 30 unless the outdoor hydronic heater has been certified in accordance with 310 CMR 7.26 (54) to meet the emission standard set forth in 310 CMR 7.26 (53) (a) or 310 CMR 7.26 (53) (b) as applicable, or it is an existing unit installed at least 500 feet from the nearest occupied dwelling that it is not serving.

- 5.No person shall cause, suffer, allow or permit the emission of air contaminants from any residential size outdoor hydronic heater or commercial size outdoor hydronic heater to exceeds an average of 20 percent opacity for two minutes in any one hour period.
- 6.No person shall cause, suffer, allow or permit the emission of air contaminants from any residential-size outdoor hydronic heater or commercial-size outdoor hydronic heater to exceed at any time 40 percent opacity for the first 6 minutes during the startup period of a new fire. For the remainder of the startup period no person shall cause or allow the emission of air contaminants from any outdoor hydronic heater to exceed a 20 percent opacity standard in any consecutive two minute average period. 310 CMR 7.26(52)(f)2 only applies to the initial firing of the unit where no coal bed exists and does not apply to refueling.
- 7.Opacity under this subsection shall be determined pursuant to EPA Method 9 Visual Determination of the Opacity of Emissions from Stationary Sources (40 CFR Part 60, Appendix A).
8. No person shall operate an outdoor wood boiler using a rain cap unless this device is required by the manufacturer specifications.
- 9.No person shall cause, suffer, allow or permit the operation of an outdoor hydronic heater in such a manner as to create a condition of air pollution as defined in 310 CMR 7.00.

New Outdoor Wood Boiler Installations, After 12/26/2008

1. Applicants are made fully aware that each installation is site specific and that due to prevailing winds and stove placement issues may arise. If the emissions pose a public health risk the owner is solely responsible to rectify the situation or have the permit revoked without recourse.
2. Minimum lot size, 2 acres.
3. Only Outdoor Wood Boilers that meet Phase II emissions standards shall be used in new installations. All Outdoor Wood Boilers installed must comply with current State and Federal emissions in effect at time of installation.
4. Residential Outdoor Wood Boilers must be set back 200 feet from any public road, 50 feet from any property line and 300 feet from any dwelling that the unit is **not** servicing. Commercial Outdoor Wood Boilers must be set back 200 feet from any public road, 275 feet from any property line and 300 feet from any dwelling that the unit is **not** servicing. Setbacks are not intended to restrict adjacent property owners' requirements for future construction.
5. Outdoor Wood Boilers must be installed and operated in accordance with all manufacturer's requirements and recommendations including but not limited to building set backs, chimney height, spark arresters, fuel type and consideration to prevailing wind.
6. Outdoor Wood Boiler permit applicants may request a variance on one or more of the requirements from the Board of Health unless the State Regulations specifically prohibit a variance from that requirement, ie, there can be no variance granted from the required distance of 300 feet to the nearest occupied dwelling.

7. Applicant must submit a completed application form and one time permit fee as well as boiler information including manufacturer, model and a copy of operating/installation instructions.
8. New Outdoor Wood Boiler installations must include submission of a tape survey showing the location of the boiler from the dwelling it is servicing.
9. Demonstrate to the satisfaction of the Board that they understand the requirements for installation and operation of an outdoor wood burning boiler by submitting an operation and maintenance plan to be signed and attached to permit if issued.
10. Tops of chimneys or other points of emission from outdoor wood boilers must have a permanent stack extending two feet higher than the peak of any roof structure located within 150 feet of the outdoor hydronic heater, if the outdoor hydronic heater is installed less than 150 feet from the nearest occupied dwelling that it is not serving. Such permanent stack shall be installed no later than March 1, 2009. There shall be no vegetation taller than the bottom of the door opening within twenty feet of the stove.
11. If the manufacturer recommends then, the Tops of chimneys or other points of emission from outdoor wood boilers must be equipped with a properly operating spark arrester system.
12. Manufacturer's recommendations for the installation and use of the unit must be followed provided such recommendations do not conflict with the provisions of this regulation.
13. The operation of the outdoor wood burning furnace must not create a nuisance or public health threat.
14. Prior to issuance of the Certificate of Compliance the Board or their designee may conduct a site inspection to validate location and installation.
15. Boilers must be installed and operated according to manufacturers guidelines. New residential-sized outdoor hydronic heaters must meet the emission standard defined in 310 CMR 7.26(53)(a), and be installed at least 50 feet from any property line and 75 feet from any occupied dwelling that it is not serving, at the time of installation. New commercial-size outdoor hydronic heaters must meet the emission standard defined in 310 CMR 7.26(53)(b), and be installed at least 275 feet or more from any property line and 300 feet from any occupied dwelling that it is not serving, at the time of installation, unless a variance has been granted pursuant to 310 CMR 7.26(52)3.a.- d. from the setback to the property line that allows a shorter distance than 275 feet.

5. OPERATIONS

Only properly seasoned dry, clean wood shall be used to fuel outdoor wood boilers; wood must be kept covered and dry.

6. PROHIBITIONS

It shall be illegal in the Town of Grafton for any person to:

1. Cause, suffer, allow, or permit the installation of an outdoor wood boiler in the Town of Grafton, MA without a permit.

- 2. Cause, suffer, allow, or permit the installation or use of any material, article, machine, equipment, or contrivance which conceals an emission without reducing the total weight of emissions where such emission would constitute a violation of any applicable regulation.
- 3. Cause, suffer, allow, or permit the operation of an existing outdoor wood boiler in any manner contrary to the manufacturers operating procedures.
- 4. Cause, suffer, allow, or permit the operation of an existing outdoor wood boiler in any manner that causes a public nuisance or a public health risk.
- 5. Cause, suffer, allow or permit the operation of an existing outdoor wood boiler unless compliant with all other local, State and Federal laws, regulations and requirements.

7. ENFORCEMENT

Board of Health Process for Complaints

Upon receipt of a complaint the BOH or its designee has the right to enter the property to confirm or substantiate the complaint.

In the event that a complaint is substantiated the following process shall be followed:

1. 1st substantiated offense the owner shall be notified of such complaint and ordered to rectify said complaint within 48 hours of notification.
2. 2nd substantiated offense the owner shall be notified and required to appear at a board of health hearing to explain how they plan to resolve the issue.
3. For a "cool weather time" complaint, the permit shall be suspended until proof (documentation from an Outdoor Wood Boiler dealer or factory rep) that the changes made should resolve the issue.
4. 3rd substantiated offense the owner's permit shall be restricted to "cool weather time" (defined as October 1 through May 15) only burning.
5. 4th substantiated offense the owner's permit shall be revoked and will not be reissued until a material change in the situation occurs.

A. If an inspection or examination reveals that an outdoor wood boiler is installed or operated in a manner that is not compliant with these regulations or constitutes a nuisance or is a cause of filth or sickness in accordance with Massachusetts General Laws c. 111, the Board of Health or their agent shall issue an order to cease operation of the outdoor wood boiler until it has been restored to compliance. Permits to operate may be suspended, amended or revoked for cause by the Board after a public hearing has been held or can schedule a hearing after issuing the order to cease operation in the event that the nuisance constitutes an immediate health threat.

B. Whoever violates any order, rule or regulation promulgated or adopted under the provisions of this section shall be punished, for the first offense, by a fine of not less than one thousand nor more than five thousand dollars and for a subsequent offense, by a fine of not less than five thousand nor more than ten thousand dollars. For the purpose of this paragraph each day or part thereof of violation of such an

order, rule or regulation whether such violation be continuous or intermittent, shall be construed as a separate and succeeding offense.


8. WAIVER CONDITIONS

Any person may apply for a waiver to the Board from one or more of the provisions of this regulation. Every waiver shall be made in writing, include the appropriate fee and be subject to a public hearing before the Board of Health. The requesting party, at their sole expense, must notify all property owners within nine hundred (900) feet of their property boundary by certified mail at least ten (10) days prior to the public hearing.

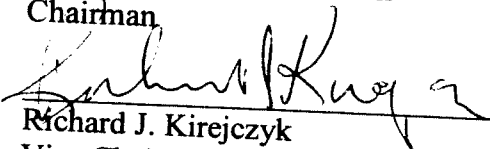
9. SEVERABILITY

If any provision contained in these regulations is deemed invalid for any reason by any Court, it shall be severed and shall not affect the validity of the remaining provisions.

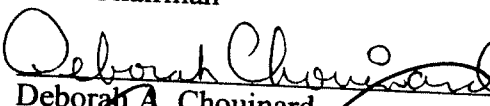
GRAFTON BOARD OF HEALTH




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Richard J. Kirejczyk
Vice Chairman



Deborah A. Chouinard
Clerk



Ernest W. Peters
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A TRUE COPY ATTEST:

Maurice A. Clark

TOWN CLERK